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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 09/760,027 | 01/12/2001 | Tony M. Brewer | 59182-P015US-1025411 | 1856 |
| 29053 | 7590 | 06/16/2005 | EXAMINER | |
| DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784 | | | | KADING, JOSHUA A |
| ART UNIT | | PAPER NUMBER | | |
| | | 2661 | | |

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/760,027 | BREWER ET.AL. | |
| | Examiner | Art Unit | |
| | Joshua Kading | 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 April 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3,5-10 and 12-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 28 is/are allowed.

6) Claim(s) 1,3,5-9 and 14-20 is/are rejected.

7) Claim(s) 10,12,13 and 21-27 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4-12-05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5-9, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,711,357 B1, Brewer et al. (Brewer).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Brewer discloses "a method of protection switching of redundant central arbiters in a router system, comprising:

selecting an active central arbiter (*col. 4, lines 62-63*);

selecting a standby central arbiter different from said active central arbiter (*col. 5, lines 62-66*);

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communicating the active status of said active central arbiter; communicating the standby status of said standby central arbiter (*col. 12, lines 37-39 whereby selecting the active CAM and ignoring the standby CAM the status of the CAMs must be known and communicated*);

receiving at said active central arbiter requests to pass chunks of data through an optical switching fabric; at said active central arbiter in response to said requests concurrently issuing grants to pass said chunks and issuing optical switch configuration information corresponding to said grants, such that each said chunk passes during a single chunk period (*col. 5, lines 27-45*);

at said standby central arbiter periodically receiving keep-alive requests; at said standby central arbiter concurrently issuing keep-alive grants and standby configuration information in response to said keep-alive requests (*col. 26, lines 55-61 where it is inherent in the standby arbiter that in order to assume control from the active arbiter, all current control, configuration, and data information must be known to both arbiters at the time of "take over", this means that the standby arbiter must be operational at the same time as the active arbiter so that in case of failure it can assume control immediately*); and

interchanging said active and standby status of said respective active and standby central arbiters, such that said standby central arbiter becomes a new active central arbiter and said active central arbiter becomes a new standby central arbiter (*col. 26, lines 55-61*);

wherein decisions of said selecting and said interchanging are initiated by a control processor from the group consisting of a master control processor (MCP) and shelf control processors (*figure 1, element 105; col. 4, lines 56-57 and col. 6, lines 62-65).*"

Regarding claim 3, Brewer discloses, "the method of claim 1 wherein said selecting and said interchanging are performed by writing a CSR to said respective active and standby central arbiters (*col. 17, lines 33-37 whereby writing to the CSR has effectively selected the arbiter that will transmit the data*)."

Regarding claim 5, Brewer discloses, "the method of claim 1 wherein: said communicating of said active status occurs simultaneously from said active central arbiter to an optical switch ASIC and to a plurality of ingress ASICS (*col. 51, lines 62-col. 6, lines 1-8*); and said communicating of said standby status occurs simultaneously from said standby central arbiter to an optical switch ASIC and to a plurality of ingress ASICS (*col. 51, lines 62-col. 6, lines 1-8*)."

Regarding claim 6, Brewer discloses, "the method of claim 5 wherein said issuing grants and said issuing corresponding switch configuration information both occur within the same chunk period (*col. 6, lines 14-24 and col. 6, lines 66-col. 7, lines 1-3*)."

Regarding claim 7, Brewer discloses, "the method of claim 6 wherein said issuing keep-alive grants and said issuing standby configuration information both occur within the same chunk period (*col. 6, lines 14-24 and col. 6, lines 66-col. 7, lines 1-3*)."

Regarding claim 8, Brewer discloses, "the method of claim 7 wherein said requests received by said active central arbiter are issued from a plurality of ingress ASICS through first multiple links (*col. 5, lines 28-46 where the first multiple links are links 116*)."

Regarding claim 9, Brewer discloses, "the method of claim 8 wherein said grants issued by said active central arbiter are received by said plurality of ingress ASICS through said first multiple links (*col. 5, lines 28-46*)."

Regarding claim 14, Brewer discloses, "the method of claim 9 wherein said optical switch configuration information is issued by said active central arbiter to said optical switching fabric through second multiple links differing from said first multiple links (*col. 5, lines 28-46 links 118*)."

Regarding claim 15, Brewer discloses, "the method of claim 14 wherein said optical switch configuration information is issued by an active central arbiter ASIC in said active central arbiter to an optical switch ASIC in said optical switching fabric (*figure 1, elements 20 and 118*)."

Regarding claim 16, Brewer discloses, "the method of claim 15 wherein said keep-alive requests received by said standby central arbiter are issued from a plurality of ingress ASICS through third multiple links differing from said first and second multiple links (*figure 1, element 114*)."

Regarding claim 17, Brewer discloses, "the method of claim 16 wherein said keep-alive grants issued by said standby central arbiter are received by said plurality of ingress ASICS through said third multiple links differing from said first and second multiple links (*figure 1, element 114; col. 6, lines 14-19*)."

Regarding claim 18, Brewer discloses, "the method of claim 17 wherein said standby configuration information is issued by said standby central arbiter to said optical switching fabric through fourth multiple links differing from said first, second, and third multiple links (*figure 1, element 119; col. 6, lines 14-19*)."

Regarding claim 19, Brewer discloses, "the method of claim 18 wherein said standby configuration information is issued by a standby central arbiter ASIC in said standby central arbiter to an optical switch ASIC in said optical switching fabric (*figure 1, elements 20 and 119*)."

Regarding claim 20, Brewer discloses, "the method of claim 19 wherein the issuing of said keep-alive requests and the receiving of said keep-alive grants by said ingress ASICS is performed cyclically (col. 6, lines 66-col. 7, lines 1-3 where it is inherent that the issuing of requests and receiving of grants is cyclically in a packet based communication system because the system will always receive new packets, and each time a new packet is received the request/receiving is repeated)."

Allowable Subject Matter

3. Claim 28 is allowable as previously indicated.
4. Claims 10, 12, 13, and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 12 April 2005 have been fully considered but they are not persuasive.

Applicant argues that Brewer does not read on the claims because Brewer fails to disclose, "wherein decisions of said selecting and said interchanging are initiated by a control processor selected from the group consisting of a master control processor and shelf control processors." The examiner respectfully disagrees.

As read in the cited passages of Brewer, col. 4, lines 56-57 and col. 6, lines 62-65, the element 105 is a switch shelf, containing controlling units 19 and 20, which operate to control the selecting and interchanging of the switches. This is very clear from col. 6, lines 62-65. Further, col. 6, lines 30-37 disclose that unit 19 acts to further control the switching in the system. Therefore, Brewer fully discloses shelf control processors for use in selecting and interchanging.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

June 13, 2005



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SUPERVISORY PATENT EXAMINER
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